

02-08-02

JC10 Rec'd PCT/PTO 05 FEB 2002

PCT/
Sector
#5

Epping, Hermann & Fischer GbR
Ridlerstrasse 55
D-80339 München, Deutschland (Germany)
Attn: Jacob Eisenberg

Voice +49895003290
Facsimile +498950032999
Customer No.: 000026461

Assistant Commissioner for Patents
Washington DC 20231

Re: Utility Patent Application Atty. Docket: P1999,0003USN;
Client Ref: Epp.024 Filed: November 20, 2000;
Serial No.: 09/913,394 Inventor(s): Volker HARLE *et al.*
For: Optical Semiconductor Device Comprising a Multiple Quantum Well Structure

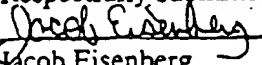
Sir:

In response to the *Notification of Missing Requirements under 35 USC §371 in the United States Designated/Elected Office*, a copy of which is attached hereto, the following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Transmittal Form PTO/SB/21;
2. Executed Declaration (6 pages);
3. Notification of Missing Requirements; and
4. Return Post Card.

It is respectfully requested that the attached post card be stamped with the filing date of these documents and returned to us via post.

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 501871 referencing docket number P1999,0003USN. However, the Commissioner is NOT authorized to charge the cost of the issue fee to the Deposit Account. A duplicate of this letter is enclosed.

Respectfully submitted,

Jacob Eisenberg
Attorney for Applicant
Registration No. 43,410

Date: 5 February, 2002



PTO/SB/21 (08-03)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|--|----------------------|------------------------|---------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/913,394 | |
| | Filing Date | 11/20/2000 | |
| | First Named Inventor | Volker Harle | |
| | Group Art Unit | To be assigned | |
| | Examiner Name | To be assigned | |
| Total Number of Pages in This Submission | 10 | Attorney Docket Number | P1999,0003USN |

| ENCLOSURES <i>(check all that apply)</i> | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> |
| Remarks Return Card Cover Letter | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Epping, Hermann & Fischer, Attn: Jacob Eisenberg Customer Number 26461 |
| Signature | <i>Jacob Eisenberg</i> |
| Date | 5. Feb. 2002 |

| CERTIFICATE OF MAILING | | | |
|--|--|------|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____ | | | |
| Typed or printed name | | | |
| Signature | | Date | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RS



UNITED STATES PATENT AND TRADEMARK OFFICE

Communications Box, Patent, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
under uspto.gov



| | | |
|-----------------------------|-----------------------|-----------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY DOCKET NO. |
| 09/913,394 | Volker Harle | P1999,0003USN |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/DE00/04089

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

11/20/2000

11/19/1999

026461

EPPING, HERMANN & FISCHER
RIDLERSTRASSE 55
MUNCHEN, BAVARIA, D-80339
GERMANY

| |
|--------------------------|
| EINGANG |
| Epping Hermann & Fischer |
| 03. Jan. 2002 |
| Frist: 28.01.2002 |

net. be

CONFIRMATION NO. 8326

371 FORMALITIES LETTER



OC000000007165116

Date Mailed: 12/07/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*



BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO | INTERNATIONAL APPLICATION NO | ATTY. DOCKET NO. |
|----------------------------|------------------------------|------------------|
| 09/913,394 | PCT/DE00/04089 | P1999,0003USN |